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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS) 03-MDL-1570 (GBD) (SN)
ON SEPTEMBER 11, 2001)
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Tuesday, July 13, 2021

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THIS TRANSCRIPT CONTAINS
CONFIDENTIAL MATERIAL

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Remote video-recorded deposition of JONATHAN M.
WINER, held at the location of the witness,
commencing at 10:04 a.m., on the above date, before
Debra A. Dibble, Certified Court Reporter,
Registered Diplomate Reporter, Certified Realtime
Captioner, Certified Realtime Reporter and Notary
Public.

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GOLKOW LITIGATION SERVICES
877.370.DEPS | fax 917.591.5672
deps@golkow.com

1 in my affirmative report. There were some IIRO
2 audits. I asked for them and I wanted them. I got
3 more audits from my rebuttal report and then
4 analyzed those.

5 Q. And let's make it clear that the reliance
6 materials that you have, the documents produced in
7 this -- the documents produced in this case were
8 given to you by plaintiffs' attorneys; correct?

9 A. Most of them were, or many of them were.
10 I supplemented as best I could with additional
11 research when I felt that additional research that I
12 was able to get in the limited amount of time that I
13 had between the time of my retention and the time
14 that my report was due, I would supplement.

15 Q. In your prior testimony, you stated those
16 are the documents that you relied on in rendering
17 your opinion in your affirmative report, correct?

18 A. Yes.

19 Q. The index. Okay. If an allegation
20 appears in a government document in your
21 methodology, do you accept the fact -- accept it as
22 a fact or do you do anything to attempt to
23 corroborate or dispel fact assertions?

24 MR. HAEFELE: Objection to form.

25 A. That's a very broad category, government

1 A. I don't recollect.

2 Q. Okay. So -- strike that.

3 How many times did you -- how much time
4 did you spend reviewing the Harmony database?

5 A. Not a lot. As I said, the legend on it
6 cautioned me on. I tested the legend by looking at
7 a couple of things to see if it was going to be of
8 any value. Found it wasn't any value for that
9 purpose and didn't spend more time on it. I had a
10 very limited amount of time between December and
11 when I turned the report in, and didn't spend much
12 time on it.

13 Q. So it is your testimony you didn't find
14 any evidentiary value in those documents, that's why
15 you stopped looking at them?

16 A. That's correct, I did not.

17 Q. Does the CRA have any agency -- in your
18 report, you went through the details. And I'm not
19 going to go through the details now, but I just
20 wanted to for the purposes of your methodology, did
21 you consider the adverse reporting in that case part
22 of -- as a primary source?

23 A. I don't understand what you --

24 Q. Okay. So just to be very quick, the
25 Canadian report, the CRA report, listed adverse

1 reporting on WAMY; right? And those adverse
2 reporting listed many newspaper articles, or as a
3 matter of fact, listed is some other matters in this
4 lawsuit. Will you consider those as a primary
5 source for you to consider?

6 A. The primary source is the Canadian
7 report. Their primary source may not be primary, it
8 may be secondary sources. I'd have to look at the
9 various materials. But that document itself
10 reflects what the findings were of Canada in
11 connection with this chart. And so it's a primary
12 source for that purpose. That's what it is.

13 Q. Okay.

14 A. But is that -- is that report in turn
15 based on secondary sources? It's based on mixture
16 of primary source data such as financial records and
17 financial information, statements made to them, and
18 secondary source information, which are also relied
19 on. That's my understanding of that report.

20 Q. Okay. Do you agree that charities --
21 that -- do you agree that charities
22 supported al-Qaeda? They don't support the al-Qaeda
23 just because they operate in conflict zone?

24 MR. HAEFELE: Objection to the form.

25 A. If I understand the question correctly,

CERTIFICATE

I, DEBRA A. DIBBLE, Registered Diplomate Reporter, Certified Realtime Reporter, Certified Court Reporter and Notary Public, do hereby certify that prior to the commencement of the examination, JONATHAN M. WINER was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that pursuant to FRCP Rule 30, signature of the witness was not requested by the witness or other party before the conclusion of the deposition.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



DEBRA A. DIBBLE, RDR, CRR, CRC
NCRA Registered Diplomate Reporter
NCRA Certified Realtime Reporter
Certified Court Reporter

Dated: 8-3-2021